

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GABRIELA MONSIVAIZ,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. SA10CA0147XR
	§	
JANI-KING INTERNATIONAL, INC..	§	
JANI-KING, INC., JANI-KING	§	
FRANCHISING, INC., RAMIRO	§	
BERNAL, individually and d/b/a	§	
JANI-KING, INC., and ELIZABETH	§	
BERNAL, individually and d/b/a	§	
JANI-KING, INC.,	§	
Defendants.	§	

DEFENDANTS' ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Ramiro L. Almaguer, incorrectly referred to as Ramiro Bernal and Elizabeth Bernal, Defendants in this action, files this Original Answer to Plaintiff's Original Complaint and would respectfully show the Court as follows:

**I.
INTRODUCTION**

1. Defendants believe this matter has settled and will amend this answer in the event that Plaintiff does not dismiss this action. Defendants admit this is an action under the FLSA but denies the factual allegations in paragraph 1.1

**II.
JURISDICTION AND VENUE**

2. Defendants admit this Court has jurisdiction and reserves the right to file a further answer regarding the allegations under paragraphs 2.1 through 2.6

**III.
PARTIES**

7. Defendants have insufficient information to admit or deny the averments made in paragraph 3.1.

8. Defendants have insufficient information to admit or deny the averments made in paragraph 3.2.

9. Defendants have insufficient information to admit or deny the averments made in paragraph 3.3.

10. Defendants have insufficient information to admit or deny the averments made in paragraph 3.4.

11. Defendants have insufficient information to admit or deny the averments made in paragraph 3.5.

12. Defendants have insufficient information to admit or deny the averments made in paragraph 3.6.

13. Defendants deny the averments in paragraph 3.7.

14. Defendants deny the averments in paragraph 3.8.

15. Defendants deny the averments in paragraph 3.9.

16. Defendants deny the averments in paragraph 3.10.

17. Defendants deny the averments in paragraph 3.11.

**IV.
STATEMENT OF FACTS**

18. Defendants deny the averments in paragraph 4.1.

19. Defendants have insufficient information to admit or deny the averments made in

paragraph 4.2.

20. Defendants deny the averments in paragraph 4.3.
21. Defendants deny the averments in paragraph 4.4.
22. Defendants deny the averments in paragraph 4.5.
23. Defendants deny the averments in paragraph 4.6.
24. Defendants deny the averments in paragraph 4.7.
25. Defendants deny the averments in paragraph 4.8.
26. Defendants deny the averments in paragraph 4.9.
27. Defendants deny the averments in paragraph 4.10.
28. Defendants deny the averments in paragraph 4.11.
29. Defendants deny the averments in paragraph 4.12.
30. Defendants deny the averments in paragraph 4.13.

V.

FAIR LABOR STANDARDS ACT – MINIMUM WAGE AND OVERTIME

31. Defendants re-incorporate and re-allege each of the foregoing paragraphs in response to the averments in paragraph 5.1.

32. Defendants deny the averments in paragraph 5.2.
33. Defendants deny the averments in paragraph 5.3.
34. Defendants deny the averments in paragraph 5.4.
35. Defendants deny the averments in paragraph 5.5.
36. Defendants deny the averments in paragraph 5.6.
37. Defendants deny the averments in paragraph 5.7.

VI.
SECOND CAUSE OF ACTION
FAIR LABOR STANDARDS ACT – RETALIATION

38. Defendants re-incorporate and re-allege each of the foregoing paragraphs in response to the averments in paragraph 6.1.

39. Defendants deny the averments of paragraph 6.2.

40. Defendants deny the averments of paragraph 6.3.

41. Defendants deny the averments of paragraph 6.4.

42. Defendants deny the averments of paragraph 6.5.

VII.
THIRD CAUSE OF ACTION
TEXAS MINIMUM WAGE ACT

43. Defendants re-incorporate and re-allege each of the foregoing paragraphs in response to the averments in paragraph 7.1.

44. Defendants deny the averments of paragraph 7.2.

45. Defendants deny the averments of paragraph 7.3.

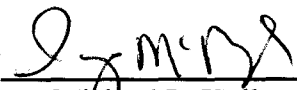
VIII.
PRAYER AND RELIEF

Defendants deny Plaintiff is entitled to any relief whatsoever.

WHEREFORE, PREMISES CONSIDERED, Defendants, Ramiro L. Almaguer, incorrectly referred to as Ramiro Bernal and Elizabeth Bernal, respectfully request this Court to deny Plaintiff relief in this cause and to dismiss all causes of action against Defendants with prejudice to refile and to award Defendants any and all relief both at law and in equity to which they may be justly entitled.

Respectfully submitted,

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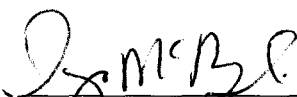
CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing instrument has been properly delivered pursuant to the Federal Rules of Civil Procedure by way of electronic filing, on the 13th day of April, 2010, to the following counsel of record:

Sarah Donaldson
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San Antonio, Texas 78212

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Inez McBride